

**19-8-109 Termination of agreement -- Cost recovery.**

- (1) An agreement established under this chapter may be terminated by the executive director or the applicant by giving 15 days prior notice, in writing, to the other party.
- (2)
  - (a) Only those costs incurred or obligated by the executive director prior to the date of termination of the agreement are recoverable under an agreement terminated under this section. Any unused amounts already paid by the applicant to the department as of the date of termination, other than the application fee, are refundable to the applicant.
  - (b) The executive director shall provide to the applicant written and itemized notification of all costs for which the applicant is liable under this Subsection (2) within 90 days after the date the agreement is terminated.
- (3) If the applicant does not pay to the executive director the department's costs incurred in the voluntary cleanup within 90 days after the date the applicant receives written notice under Subsection (2)(b), the executive director may request the state attorney general to bring a court action in the name of the state to recover the amount the applicant owes under this section, and reasonable attorney's fees and court costs.
- (4) Termination of an agreement under this section does not affect any right of the:
  - (a) executive director to recover costs under any other law; or
  - (b) department to take enforcement and other action as allowed by law.

Enacted by Chapter 247, 1997 General Session